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Date: June 26, 2003

Docket No.: 2185-0696P

17522 U.S. PTO  
10/603941  
06/26/03

## MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 10/147,966 filed on May 20, 2002,  
the entire contents of which are hereby incorporated by  
reference,  
by

Miyuki OIKAWA, Hideki USHIO, Isao KURIMOTO and Takayuki HIGASHII  
for

PROCESS FOR PRODUCING OPTICALLY ACTIVE 3,3,3-TRIFLUORO-2-HYDROXY-  
2-METHYLPROPIONIC ACID, AND SALT THEREOF

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE      FEE	RATE      FEE
<b>TOTAL CLAIMS</b>	4-20 =	0	x 18 = \$0.00	x 9 = \$0.00
<b>INDEPENDENT CLAIMS</b>	2-3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> <b>MULTIPLE DEPENDENT CLAIMS PRESENTED</b>			+ \$280.00	+ \$140.00
	<b>TOTAL</b>		\$750.00	\$0.00

3. ☒ A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☒ --This application is a ☐ continuation ☒ divisional ☐ continuation-in-part of co-pending Application No. 10/147,966, filed on May 20, 2002, which was a divisional of co-pending application 09/632,804, filed on August 4, 2000, now United States Patent No. 6,403,832 B1, which issued on June 11, 2002, the entire contents of both of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application Nos. H11-221065 & H11-333924 filed in Japan on August 4, 1999 and November 25, 1999, respectively, under 35 U.S.C. § 119.--

6. ☐ Enclosed is/are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 10/147,966 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Sumitomo Chemical Company, Limited.
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☒ Priority of Application No(s). H11-221065 & H11-333924 filed in Japan on August 4, 1999 and November 25, 1999, respectively, is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application Serial No. 09/632,804, filed on November 8, 2000.
- 10b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_ Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
  
or  
Customer No. 002292
13. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 10/147,966 in order to establish co-pendency with the present application.
14. ☐ Also enclosed herewith is the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Docket No. 2185-0696P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

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JWB/enm  
2185-0696P

Attachment(s)

(Rev. 04/30/03)